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BoH  
8-2-17

Dear Ladies and Gentlemen of the Board,

Let me first say thank you for allowing me to be heard, I know your time is valuable.

I am appearing before the Board of Health regarding my concerning experience with the Development Services, namely with Director Eric Slagle, Senior Inspector David Ouellette and Assistant Town Manager Diane Tradd. There is culture of dismissiveness, unresponsiveness and disrespect, which leaves a citizen of Lowell with no options but to live in a habitable apartment or house.

I am here on the behalf of myself, the citizens of The City of Lowell, and I am here to hopefully make a difference for the low income, underprivileged and under represented vulnerable class.

I was a tenant at River Place Towers, apartment C406, (hereinafter referred to as "Apartment") from October 20, 2017 until June 30, 2017. Apartment is a low income unit, subsidized under the Federal Low Income Housing Tax Credit program. I was constructively evicted from the subsidized apartment and voided my lease, effective June 30, 2017. I moved out June 30, 2017, three months before my lease ended on September 30, 2017.

I allege I was harmed by Development Services dismissing my concerns, attempts to communicate, refusing to respond to voice mails and emails regarding Violations of Massachusetts State Sanitary Code.

On June 23, 2017, David Ouellette issued a Massachusetts State Sanitary Code violation Citation due to River Place Towers violating 105 CMR 410.750 "Conditions Deemed to Endanger or Impair Health or Safety." The citation was based on an Assured Bio Labs mold report. I had to hire a mold testing company because Ms. Marsh, River Place Towers and Development Services refused to test or acknowledge that there was toxic mold in Apartment. However, River Place Towers did not comply with citation's 24 hour compliance time limit. I gave notice and voided my lease as a result of River Place Towers willful noncompliance and refusal to remediate the hazardous conditions present in Apartment and Development Services failure to do their duties and doing a reinspection with 24 hours of the compliance period ending.

I spoke with Eric Slagle yesterday, 7/26/17, and he was very adversarial. Mr. Slagle claimed that there was nothing Development Services could do to force River Place Towers to comply with the Violation Citation. He said that there is no longer an imminent threat now that it is vacant. I stated, yes but it was an imminent threat to my health and welfare ("Conditions Deemed to Endanger or Impair Health or Safety.") when I was in the apartment June 23, 24, 25, 26, 27, 28, 29, and 30 when you had the duty to reinvestigate when River Place Towers refused to comply with the citation. You had the duty, as a Health Inspector, to do your best to protect a tenant's from harmful conditions in a living environment. Mr. Slagle also stated that River Place since complied with the Violation order. This is not true. I told Mr. Slagle that Jeff Brown, the attorney for River Place Towers, just emailed me yesterday stating that they conducted an air quality test contradicted the Mold Report that I submitted as the basis of the Violation Citation. Thus, River Place has continued to refuse to remediate the condition. It is been 33 days since the Citation was issued. David Ouellette and Eric Slagle have not followed through with their duty to reinspect within 24 hours of the violation of the compliance time. The compliance time in the Citation was 24 hours. Thus, Development Services had the duty to reinspect by the very least the June 25<sup>th</sup>. I was still a legal tenant until June 30<sup>th</sup>, however, based on Mr. Slagle's own words, I was not in imminent harm, despite a the 05 CMR 410.750 "Conditions Deemed to Endanger or Impair Health or Safety" violation was still present, with no remediation efforts. Mr. Slagle told me they could only fine River Place. I asked him why he hasn't and he repeated that it is not an imminent threat now that I no longer am living there, dismissing the fact that until June 30<sup>th</sup> I was a legal tenant.

Let's look at David Ouellette's letter describing a health inspection at my two health inspection requests (I will provide the multiple emails requesting. Said letter is located in Development Services files. The letter displays an attitude of annoyance and judgement. Mr. Ouellette states that the manager is familiar with me and that I have complained again and again. She left out the fact that a heat defect does exist, they unsuccessfully attempted to fix defect three times before telling me that is all they can do, leaving me with no options but to live in an uninhabitable apartment. Yes, by definition of 105 CMR 410.201, Temperature Requirements, it was in violation of Sanitary Code. (However, as I will explain at the meeting, David Ouellette refuse to provide me with a written check list or report stating that I have a right of an appeal, filed within 30 days.

The tone of Mr. Ouellette's attitude is clearly reflected in this letter. He clearly came to my apartment with preconceived notion, based on a manager/landlord, that I am just a bothersome tenant who always complains, that my allegations were likely baseless. (However, heat defect proven by River Place's eventually approving a transfer to a different apartment. Mold issue was valid, as proven by the Mold Report, which David Ouellette based Development Service's Violation citation on) In addition, Inspector Ouellette writes that "even turned off the heat" to make tenant happy." No, River Place Towers unsuccessfully tried to repair heat defect three times. They tried permanently turned off the heat as an attempt to fix the high temperatures in C406. Turning off the heat did not cure the extreme high temperatures during the winter. River Place Towers acknowledges the defect. River Place also acknowledges that a black water toilet overflow, with sewage, occurred in November 2016. Said flood traveled under the bathroom wall and soaked the bedroom carpet. Ms. Marsh forced me to live with the sewage soaked carpet for four days.

The employees of Development services have exhibited a continuous pattern of ignoring my attempts at communication. Therefore, they did not afford me my rights as a tenant, one of the population they have the duty to protect. I have been so overwhelmed by this process that I have been discouraged and wanted to walk away, but I have stayed the course in the name.

I will provide an abundance of evidence (emails, call logs, laws, rules and regulations, etc.) proving my allegations.

Sincerely,

Danyel Driscoll